

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)
vs.) No. 22 CR 115
MICHAEL J. MADIGAN and) Honorable John Robert Blakey
MICHAEL F. McCALIN) Magistrate Judge Jeffrey Cole

**DEFENDANT MICHAEL MCCLAIN'S MOTION TO PERMIT HIM TO ATTEND THE
JANUARY 3, 2024 MOTION HEARING TELEPHONICALLY**

NOW COMES Defendant Michael McClain, through his counsel, Patrick J. Cotter and David P. Niemeier, and respectfully moves this Court to permit him to attend telephonically the motion hearing scheduled in this matter for January 3, 2024 at 2:00 p.m. due to the physical and financial hardship that appearing in person in Chicago would impose on him. In support of this Motion, Mr. McClain states the following:

1. On December 20, 2023, this Court issued an Order (Doc. #87) setting a hearing for January 3, 2024 at 2:00 p.m. on Defendants' Joint Motion to Stay Proceedings or, in the Alternative, Continue the Trial Date. That Order states that "Defendants shall appear in person for the motion hearing."

2. Mr. McClain currently resides in Quincy, Illinois, which is approximately 311 miles from Chicago.

3. Driving time from Quincy to Chicago ranges from approximately five to six hours, depending on traffic and weather conditions.

4. Due to health reasons related to Mr. McClain's radiation treatment for prostate cancer in the past and other medical issues, he requires frequent stops and breaks on long car trips.

Thus, the actual drive time necessary for Mr. McClain to make the trip from Quincy to Chicago will likely take more than six hours.

5. Also, due to some of his physical conditions, Mr. McClain cannot drive an automobile for extended periods of time, so he will have to be driven to Chicago by someone else, most likely his wife.

6. In addition, approximately 12 hours in a car in one day is not something Mr. McClain can currently do given his health, so attendance in Chicago at the motion hearing will require him to stay in a hotel for the night.

7. Mr. McClain has been on bond in this case since March 9, 2022, as well as on a separate matter, *United States v. McClain, et al.*, 20 CR 812, since December 2, 2020. He continues on bond in both matters. In over three years, Mr. McClain has not violated his bond conditions in either case and has appeared in court, either telephonically or in person (including in person for a seven and ½ week trial in Chicago in March-April 2023) whenever required to do so.

8. Mr. McClain has telephonically participated fully in a number of previous court appearances in this matter, including his arraignment on March 9, 2022, as well as multiple status hearings and other appearances in the 20 CR 812 matter. Mr. McClain's lack of physical presence in court has not delayed or inhibited the progress of either case.

9. Mr. McClain requests to appear telephonically at the motion hearing because requiring his personal appearance would impose significant physical and financial hardship on him. Mr. McClain will be able to fully participate in the motion hearing telephonically.

10. Undersigned counsel has conferred on December 21, 2023 with counsel for the Government, and the Government opposes this Motion.

WHEREFORE, Mr. McClain respectfully requests this Court to grant him permission to attend the motion hearing scheduled for January 3, 2024 at 2:00 p.m. telephonically and for such other and further relief as the Court deems proper.

Respectfully submitted,

Dated: December 21, 2023

GREENSFELDER, HEMKER & GALE, P.C.

By: /s/ Patrick J. Cotter
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Attorneys for Defendant Michael McClain

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of December 2023, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I certify that the foregoing document is being served this day on all counsel of record via transmission of Notices of Electronic Filing generated by CM/ECF.

/s/ Patrick J. Cotter